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ANDREW P. FLEMING
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RE: Carroll v. City of Mount Vernon, et al.

March 14, 2008

Via Fax Only to: (914) 390-4085

Hon. Charles L. Brieant
District Court Judge
United States Courthouse 300 Quarropas Street
White Plains, New York 10601

07 Civ 11577 (CIB)

RE: Carroll v. City of Mount Vernon, et al.

Dear Justice Brieant:

We represent the Plaintiff, Joseph Carroll, in the above-entitled action that was commenced on or about December 26, 2007. Shortly thereafter, the Defendants, through their counsel, Bond Schoeneck & King, PLLC, moved to dismiss the Complaint.

This letter is sent as a follow up to our earlier [February] letter to the Court in which we asked for an adjournment. I am writing to ask for a further adjournment. We believe that a further adjournment would lead to judicial economy because of our prospective willingness to agreeing to withdraw some of the causes of action pursuant to the defendants' motion.

Opposing counsel consents to an adjournment. We have forwarded herewith a copy of the e-mail we received from them earlier today. We have also forwarded a copy of the letter we received from the EEOC regarding our request for a Right-to-Sue letter.

It is our respectful request that the return date on the motion be adjourned 30 days so as to allow the parties to address the issues raised by the defendants' motion without further court involvement.

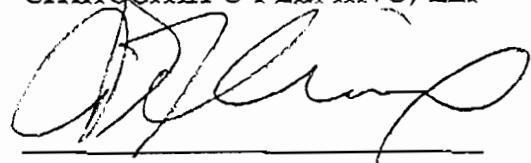
Chai a adjourn & re-set to May 2, 2008
John Brieant
March 17, 2008

Marc 14, 2008
Hon. Charles L. Brieant
Page 2 of 2

Thank you for your kind consideration in this matter.

Very truly yours,

CHIACCHIA & FLEMING, LLP



Andrew P. Fleming

cc: Howard M. Miller, Esq. (516) 267-6301
File:S:\MyFiles\CLIENTS\Carroll, Joseph\Mount Vernon.101\Ur Judge Brieant 031408.wpd

Andy Fleming

From: Satriano, Jessica [SatriaJ@bsk.com]
Sent: Friday, March 14, 2008 1:07 PM
To: Andy Fleming
Cc: Miller, Howard
Subject: RE: Carroll

Mr. Fleming:

Howard is out of this office and asked that I contact you regarding your request for an extension of time so that you may obtain a Right to Sue letter from the EEOC. Whatever adjournment you need while you wait on the EEOC is fine with us. If you want to send a stipulation or write the court that we consent, either is fine, just let us know how you would like to approach this. Feel free to call with any questions. Thanks.

Jessica C. Satriano
Bond, Schoeneck & King, PLLC
1399 Franklin Avenue
Garden City, New York 11530
Phone: (516) 267-6332
Fax: (516) 267-6301

From: Andy Fleming [mailto:aflem@cf-legal.com]
Sent: Friday, March 14, 2008 11:36 AM
To: Miller, Howard
Subject: Carroll

Good morning Howard: I left a telephone message for you this morning. The Court will likely grant us a brief adjournment if you consent to it. Please contact me to let me know if you can consent to a brief adjournment of our schedule. Thank you. APF

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**U.S. Equal Employment Opportunity Commission
New York District Office**

33 Whitehall Street
5th Floor
New York, NY 10004
(212) 336-3630
TTY (212) 336-3622
FAX (212) 336-3625
1-800-669-4000

Respondent: MOUNT VERNON FIRE DEPARTMENT
EEOC No: 520-2007-04049

Joseph Carroll
22 Harper Avenue
Montrose, NY 10548

Dear Mr. Carroll:

The Equal Employment Opportunity Commission has received your request for a Notice of Right to Sue in the above referenced charge.

Your request has been forwarded to the U.S. Department of Justice (DOJ) for action. That Agency will act on your request and issue the Notice directly to you.

If you have any questions, please call this office at (212) 336-3630.

On behalf of the Commission:

3-10-2008
Date

Spencer H. Lewis, Jr.
Director

cc: Andrew Fleming, Esq.
Chiacchia & Fleming, LLP
5112 South Park Ave.
Hamburg, NY 14075

Mount Vernon Fire Department
c/o Christopher T. Kurtz, Esq.
Bond, Schoeneck & King, PLLC
1399 Franklin Street, Suite 200
Garden City, NY 11530